

REMARKS

Claims 1-2 and 4-41 are pending. Of those, claims 1, 10, 13, 21 and 29 are independent. Claims 13-36 are withdrawn from consideration as being directed to non-elected subject matter. By this reply claim 3 has been cancelled (without prejudice or disclaimer of the subject matter contained therein) while claims 39-41 have been added.

Drawing Objection

On page 2 of the Office Action, the drawings are objected to under 37 C.F.R. §1.83(a) as not depicting every claimed feature. More particularly, the Examiner has objected to the major dimension and minor dimension of claim 1, and the fifth surface of claim 2, not being depicted in the drawings.

By this reply, Applicants have submitted a drawing change to Figure 5 (see attachment) which indicates both the major and minor dimensions. Approval by the Examiner of the drawing changes is requested.

As to the drawing objection based upon claim 2, it is now moot in view of the amendments to claim 1 made by this response.

In view of the foregoing discussion, withdrawal of the drawing objections is requested.

Specification Objection

On page 3 of the Office Action, the specification has been objected to as not providing antecedent basis for the phrase "said face" of claim 2. In view of the clarifying changes to claim 2 made by this response, this objection is moot. Accordingly, withdrawal of the objection is requested.

§102 Rejection

On page 3 of the Office Action, claims 1-5 and 7 are rejected under 37 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,828,508 to Moeller (the '508 patent). Applicants traverse.

More particularly, the Examiner has asserted that the multifaceted side edge of Applicants' claimed surface panel is anticipated by the edge configuration of panel 40 in Fig. 1 of the '508 patent. Applicants disagree. In an attachment to the Office Action, the Examiner has annotated Fig. 1 of the '508 patent to identify first, second, third and fourth surfaces of the edge conformation of panel 40.¹ Inspection of Fig. 1 reveals that a fifth surface (not specifically annotated by the Examiner) is interposed between the vertical third surface and the fourth surface (which is oriented at an oblique angle relative to the third surface). As a result, the fourth surface does not intersect the third surface of panel 40.

A distinction of independent claim 1 over the '508 patent is a fourth surface intersecting said third surface. As explained above, the oblique fourth surface of panel 40 of the '508 patent does not intersect the vertical third surface because of the interposed fifth surface.

Claims 2, 4-5 and 7 depend from claim 1 and possess at least the distinction noted above, at least by dependency. Claim 3 has been cancelled by this amendment, making its rejection moot.

In view of the foregoing discussion, the §102 rejection of claims 1-5 and 7 over the '508 patent is improper and Applicants request that it be withdrawn.

§103 Rejection

On page 5 of the Office Action, claim 6 is rejected under 35 U.S.C. §103(a) as being obvious over the '508 patent as modified by U.S. Patent No. 6,176,054 to Allen et al. (the '054 patent) and U.S. Patent No. 3, 919,444 to Shayman (the '444 patent). And beginning on page 5 of the Office Action, claims 8-9 are rejected under §103(a) as being obvious over the '508 patent taken alone. Applicants traverse the §103 rejections.

¹ Applicants thank the Examiner for providing the annotated version of Fig. 1. In view of the few reference numbers printed in Fig. 1 of the '508 patent, the Examiner's annotation greatly helps facilitate written discussion of Fig. 1.

Claims 8-9 depend indirectly from claim 7. Applicants have noted a distinction of claim 1 over the '508 patent in the remarks above traversing the §102 rejection. Accordingly, claims 8-9 possess at least the distinction of claim 1 over the '508 patent, by dependency. Thus, the §103 rejection of claims 8-9 over the '508 patent is improper.

Claim 6 depends from claim 1. Neither of the '054 patent nor the '444 patent has been cited as a teaching of the distinction of claim 1 over the '508 patent noted above in the traversal of the §102 rejection. Applicants submit that this same distinction over the '508 patent is also a distinction over each of the '054 and '444 patents. Accordingly, claim 6 possesses at least the distinction of claim 1, by dependency. Thus, the §103 rejection of claim 6 over the combination of the '508, '054 and '444 patents is improper.

In view of the foregoing discussion, withdrawal of the §103 rejections is requested.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication that claims 1-12 are allowed.

Comments on Reasons for Allowance

On page 6 of the Office Action, the Examiner presents a Statement of Reasons for Allowance. Applicant does not disagree that the indicated claims are allowable. Instead, Applicant wishes to note that the Examiner has paraphrased the language of the claims as an expedient for the purposes of calling to mind the explicit language of each claim taken as a whole, rather than as an attempt to characterize the meaning of, or interpret, the claims. Also, while the Examiner might indicate that an element of a claim is of greater interest to him, it is to be recalled that patentability considers each claim taken as a whole.

New Claims 37-41

Again, claims 37-41 which depend from claim 1, have been added by this reply. Claims 37-41 possess at least the distinction of claim 1 over the '508 patent noted above in Applicants' traversal of the §102 rejection.

In the alternative, a distinction of claim 37 over the applied art is the fourth surface arranged/represent a surface of a reveal formed between two adjacent panels oriented so that respective said third surfaces are substantially abutting.

In the alternative, a distinction of claim 38 over the applied art is that the fourth surface is a continuous surface. To the extent that the Examiner interprets the fourth surface of Fig. 1 of the '508 patent as including the surface identified by Applicants as the fifth surface, then such a combined surface has a point of discontinuity (relative to the cross section that is Fig. 1) where the fourth surface meets the fifth surface. A continuous surface does not have any points of discontinuity. Hence, it would be unreasonable to interpret the fourth and fifth surfaces as defining a continuous surface.

In the alternative, a distinction of claim 39 over the '508 patent is that the third surface is relatively more outboard than the first surface. In contrast, the first surface of panel 40 of the '5087 patent is relatively more outboard than the third surface.

In the alternative, a distinction of claim 40 over the '508 patent is that the first, second, third and fourth surfaces together present a generally convex confirmation. In contrast, inspection of the side edge of panel 40 of the '508 patent reveals that the first, second, third, fourth and fifth surfaces together present a generally concave confirmation.

In the alternative, a distinction of claim 41 over the '508 patent is that the fourth surface is substantially planar. As noted above, it might be that the Examiner has interpreted the fourth surface of panel 40 of the 508 patent as including the surface referred to by Applicants as the fifth surface. If so, the surface represented by a combination of the fourth and fifth surfaces is not planar. If the fourth surface of panel 40 of the '508 patent is not interpreted as

including the fifth surface, Applicants agree that it can be characterized as planar but then disagree that it intersects the third surface. Instead the planar fourth surface of panel 40 of the '508 patent intersects the planar fifth surface and the planar fifth surface intersects the planar third surface.

CONCLUSION

The issues in the case are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.

Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at the telephone number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

By: _____

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